

Topic: Request for Waiver to Land Use Bylaw 2017-18 Section 19.6.1 Resubmission Interval – Springbank Park Estates Redistricting Application

### Administration Recommendation:

That Council waive the one (1) year waiting period for the resubmission of the Land Use Bylaw amendment application for Springbank Park Estates in accordance with Land Use Bylaw 2017-18, Section 19.6.1, as presented.

### Introduction:

The landowner of Springbank Park Estates (Lot 2 Block 1 Plan 982 0548 & Lot 1 Plan 962 4168) has submitted a request for Council to consider waiving Section 19.6.1 of Land Use Bylaw 2017-18 (LUB) that requires a one (1) year waiting period to resubmit an amendment application that has been defeated by Council. Waiver of LUB Section 19.6.1 would allow the landowner to reapply to redistrict the lands from CR-Country Residential District to CRE-Country Residential Estate District sooner than February 8, 2023.

### Facts (Background Information):

On February 8, 2022, a Public Hearing was held for Bylaw 2021-27 - Amendment to Land Use Bylaw 2017-18 to redistrict Lot 2 Block 1 Plan 982 0548 & Lot 1 Plan 962 4168 (Springbank Park Estates) from CR-Country Residential District to CRE-Country Residential Estate District. Following closure of the Public Hearing, Council defeated Bylaw 2021-27.

As per LUB Section 19.6.1, where an application for an amendment to the LUB has been defeated by Council, another application for the same or substantially the same amendment shall not be considered within one (1) year of the date of the refusal unless Council directs otherwise.

As per *Attachment 2: Landowner Request for Waiver*, the landowner is requesting that Council waive the one (1) year waiting period to allow the landowner to reapply to redistrict the lands from CR-Country Residential District to CRE-Country Residential Estate District sooner than February 8, 2023. The developer and consulting team identified in the Landowner Request for Waiver letter that they would welcome the opportunity to present and discuss:

- Information related to the proposed rezoning in the context of planning for the larger Big Lake area;
- Information related to questions of Council to support consideration of a new application; and
- The process of a new rezoning application and the subsequent subdivision and development processes.

### Analysis:

LUB Section 19.6.1 allows for the waiver of the resubmission interval for a LUB amendment application if Council should provide this direction. If Council passes the motion approving waiver, the applicant could resubmit an application to redistrict Springbank Park Estates from CR-Country Residential District to CRE-Country Residential Estate District sooner than February 8, 2023. This redistricting application would then be brought to Council for consideration.

### Policy Framework Review

The policy frameworks relevant to the consideration of the requested waiver to Land Use Bylaw 2017-18 Section 19.6.1 are as follows:

1. Municipal Government Act

Section 640(5) of the *Municipal Government Act* states that a land use bylaw may provide that when an application for a development permit or change in land use designation is refused another application with respect to the same lot for a change in land use designation may not be made by the same or any other applicant until the time stated in the land use bylaw has expired.

2. Land Use Bylaw 2017-18

Section 19.6.1 of the Land Use Bylaw states that where an application for an amendment to this Bylaw has been defeated by Council, another application for the same or substantially the same amendment shall not be considered within one (1) year of the date of the refusal unless Council otherwise directs.

**Alternatives:**

1. Council may not approve the waiver to Section 19.6.1 of Land Use Bylaw 2017-18.

**Conclusion/Summary:**

Administration finds the request for waiver to be within Council's authority to approve and recommends that Council waive the one (1) year waiting period for the resubmission of the Land Use Bylaw amendment application for Springbank Park Estates in accordance with Land Use Bylaw 2017-18, Section 19.6.1, as presented.

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